



Attorney Docket No. 24828

#5 pg
4/20/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Makoto ITONAGA, et al.

Serial No.: 09/987,389

Group Art Unit: 2652

Filed: November 14, 2001

Examiner: P.V. AGUSTIN

For: **OBJECTIVE LENS FOR OPTICAL DISK**

RECEIVED

APR 19 2004

Technology Center 2600

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action dated March 26, 2004. The one month shortened statutory period for response is set to expire on April 26, 2004, thus this response is timely filed.

SUMMARY OF ELECTION REQUIREMENT

Invention Groups. The Examiner has required election of a species associated with either Figures 3-5, Figures 6-7, Figures 8-9, Figures 10-14, or Figures 15-19 under 35 U.S.C. 121, and an identification of claims readable thereon. As the basis for this election requirement, the Official Action states the following:

This application contains claims directed to the following patentably distinct species of the claimed invention: objective lens for an optical disk of

- a. Figures 3-5
- b. Figures 6-7

- c. Figures 8-9
- d. Figures 10-14
- e. Figures 15-19

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

PROVISIONAL ELECTION

Applicants provisionally elect Group E (Figures 15-19) as outlined by the Examiner without traverse. Claims 8-10 are readable on the elected invention. However, applicant's assertion in no way is an indication of an intent to limit the aforementioned claims to the embodiment depicted in Figures 15-19.

If any questions arise from this response, the Examiner is respectfully requested to call the undersigned attorney.

Respectfully submitted,

NATH & ASSOCIATES PLLC

Date: April 15, 2004

By:



Gary M. Nath
Registration No. 26,965
Joshua B. Goldberg
Registration No. 44,126
Jarrod N. Raphael
Registration No. 55,566
Customer No. 20529

NATH & ASSOCIATES PLLC
1030 Fifteenth Street, N.W.
Sixth Floor
Washington, D.C. 20005
Tel: (202) 775-8383
Fax: (202) 775-8396
GMN/MCB/JBG/JNR/RestrictionRequirement